

RESOLUTION NO. 74737

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SUBMIT AN APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 FOR THE GUADALUPE RIVER PARK & GARDENS CIRCUIT PATHWAYS, NATIVE PLANTS INSTALLATION AND INTERPRETIVE SIGNAGE PROJECT IN AN AMOUNT NOT TO EXCEED \$2,500,000, TO ACCEPT ANY GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the Legislature and Governor of the State of California ("State") have provided funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act of 2006; and

WHEREAS, the California Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, the City of San José ("City") desires to submit an application for grant funding for the Guadalupe River Park & Gardens Circuit Pathways, Native Plants Installation and Interpretive Signage Project ("Project"), in an amount not to exceed \$2,500,000; and

WHEREAS, the procedures established by the State Resources Agency require a resolution certifying the approval of application(s) by the applicant's governing board before submission of the application(s) to the State; and

WHEREAS, the applicant, if selected, will be required to enter into an agreement with the State to carry out the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The filing of an application for the Guadalupe River Park & Gardens Circuit Pathways, Native Plants Installation and Interpretive Signage Project is approved, and the City Manager, or designee, is authorized to execute and submit an application to the State Resources Agency for a grant for the Project in an amount not to exceed \$2,500,000.
2. The City understands the assurances and certification in the grant application.
3. The City will have sufficient funds to operate and maintain the Project consistent with the land tenure requirements, or will secure the resources to do so.
4. The City will comply with all provisions of Section 1771.5 of the California Labor Code.
5. If applicable, the City will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act ("CEQA"), legal requirements for building codes, health and safety codes, disabled access laws, and all applicable permits will have been obtained prior to commencement of construction.
6. The City Manager, or designee, is authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements,

payments requests, etc., which may be necessary for the completion of the Project, and to accept the grant on behalf of the City.

ADOPTED this 16th day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,
REED.

NOES: NONE.

ABSENT: CHU.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk